

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that Plaintiff Sarah Endzweig submits this Administrative Motion
3 to relate *Endzweig v. Walmart.com USA LLC*, Case No. CV-09-0111-JCS (“*Endzweig*”), filed
4 January 9, 2009, to the cases listed in Section I pursuant to Civil Local Rule 3-12.

5 **I. RELATED CASES**

6 The following cases are related to the *Endzweig* case:

	CASE NAME	CASE NUMBER	DATE FILED
1.	<i>Resnick, et al. v. Walmart.com USA LLC, et al.</i> (“ <i>Resnick</i> ”)	CV-09-0002-PJH	January 2, 2009
2.	<i>O’Connor v. Walmart.com USA LLC, et al.</i> (“ <i>O’Connor</i> ”)	CV-09-0096-MEJ	January 9, 2009
3.	<i>Schmitz v. Walmart.com USA LLC, et al.</i> (“ <i>Schmitz</i> ”)	CV-09-0116-EMC	January 9, 2009
4.	<i>Lynch v. Walmart.com USA LLC, et al.</i> (“ <i>Lynch</i> ”)	CV-09-00138-BZ	January 12, 2009

14 **II. RELATIONSHIP OF THE ACTIONS**

15 This administrative motion is made on the grounds that *Endzweig’s* case involves
16 substantially the same subject matter as the actions listed above in Section I: an alleged conspiracy
17 to illegally fix, raise, maintain and/or stabilize the prices charged for the sales and online rentals of
18 DVDs in the United States. Plaintiffs in all the cases assert claims for violations of the Sherman
19 Act, 15 U.S.C. §§ 1 and 2, against the same Defendants.

20 It appears likely that there will be an unduly burdensome duplication of labor and expense
21 or the possibility of conflicting results if the cases are conducted before different Judges. Relating
22 the cases will help eliminate duplicative discovery, prevent inconsistent pretrial rulings, and
23 conserve the resources of the parties, their counsel, and the judiciary.

24 **III. CONCLUSION**

25 *Endzweig* and the actions referred to in Section I above satisfy the criteria of Civil Local Rule
26 3-12. Therefore, Plaintiff Sarah Endzweig respectfully requests that *Endzweig* be deemed related to
27
28

1 the cases listed in Section I and that *Endzweig* be assigned to the Honorable Phyllis J. Hamilton, the
2 Judge assigned to the low numbered case, *Resnick*.

3 Dated: January 13, 2009

BERMAN DeVALERIO

4
5 By: /S/
CHRISTOPHER T. HEFFELFINGER

6 Joseph J. Tabacco, Jr
7 425 California Street, Suite 2100
8 San Francisco, CA 94104
Telephone: 415.433.3200
Facsimile: 415.433.6382

9 *Attorneys for Sarah Endzweig*